

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NICHOLAS BARONE,

Plaintiff,

v.

TRACEY L. GORDON, *et al.*,

Defendants.

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CIVIL ACTION

NO. 23-2821

ORDER

AND NOW, this 2nd day of July, 2024, upon consideration of Defendants' Partial Motion to Dismiss (Doc. No. 19) and Plaintiff's Response (Doc. No. 22), it is hereby **ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendants' Motion to Dismiss the claim under 42 U.S.C. § 1983 against the City of Philadelphia (Count II) is **DENIED**.
2. Defendants' Motion to Dismiss the common law claim of wrongful discharge (Count III) is **GRANTED only** as to Defendant Tracey L. Gordon.
3. Within **fourteen (14) days** from the date of this Order, Defendants shall file an Answer to the remaining portions of the Amended Complaint.

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.